Due Date: June 14, 2004

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<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

Applicant:	Brian P. Mathews et al.	Examiner:	Eduardo Garcia Otero
Serial No.:	09/539,500	Group Art Unit:	2123
Filed:	March 30, 2000	Docket:	G&C 30566.80-US-U1
Title:	METHOD AND APPARATUS FOR PROVIDING ACCESS TO DRAWING INFORMATION		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on June 14, 2004.

By: _Jason S. Feldman_
Name: Jason S. Feldman

OFFICIAL

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
☒ Brief of Appellants (in triplicate).
☒ Charge in the amount of $330.00 to Deposit Account No. 50-0494 for the Appeal Brief filing fee.

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Due Date: June 14, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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In re Application of:)	
)	
Inventor: Brian P. Mathews et al.)	Examiner: Garcia Otero, Eduardo
)	
Serial #: 09/539,500)	Group Art Unit: 2123
)	
Filed: March 30, 2000)	Appeal No.: _____
)	
Title: METHOD AND APPARATUS FOR)	
PROVIDING ACCESS TO DRAWING)	
INFORMATION)	

BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §1.192, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, in triplicate, as set forth in the Office Action dated January 12, 2004.

Please charge the amount of $330 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) to Deposit Account No.50-0494 of Gates & Cooper LLP. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

I. REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

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II.   RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III.   STATUS OF CLAIMS

Claims 1-15 are pending in the application.

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker, U.S. Patent No. 6,057,929 (Walker) and Derfler.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker, Derfler, and Bodin, U.S. Patent No. 6,604,106 (Bodin).

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker, Derfler, and Bodin.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker, Derfler, and Guck, U.S. Patent No. 5,911,776 (Guck).

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker and Derfler.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker and Derfler.

Claims 7-10 were rejected under the same grounds as claims 2-5.

Claims 11-15 were rejected under the same grounds as claims 6-10.

All of the above rejections are appealed herein.

IV.   STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

V.   SUMMARY OF THE INVENTION

Computer Aided Design (CAD) drawings and programs are well known in the art. However, such prior art programs were limited to client-based applications that were not flexible (see page 3, lines 9-12). Further, the drawing formats were too large for transport across a network. To view a prior art drawing on a network, the drawing program that created the drawing was forced

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to convert the drawing to a compressed format and then upload or use a web publisher to put the converted drawing onto a server for access on the Internet (see page 5, line 15-page 6, line 13). Such limitations and requirements are burdensome and inefficient.

Independent claims 1, 6, and 11 are generally directed to providing access to drawing information across a network (see page 1, lines 21-23). Specifically, the claims provide for a server that has at least three components: an information extraction server component (see page 7, line 7), a search server component (see page 7, line 7), and a conversion server component (see page 7, lines 7-8).

The information extraction server component provides information relating to the drawing file such as the file size, date, and author (see page 13, lines 11-15). The search server component provides a query engine that allows queries of the drawing file (e.g., for various properties) (see page 13, lines 16-20). The conversion server component transforms the drawing file from one format to another format without accessing the program that created the file (see page 13, line 21- page 14, line 1). Lastly, the server is configured to provide/transmit the data from the various components (e.g., the information from the drawing file, the query results, and/or the transformed drawing file) across a network to a user using a graphical user interface of a web browser (see page 13, lines 13-14; page 14, line 2 –page 1, line 4; and page 17, lines 3-8).

VI.   ISSUES PRESENTED FOR REVIEW

Whether claims 1, 6, and 11 are unpatentable under 35 U.S.C. §103(a) as being rendered obvious by Shumaker in view of Walker, U.S. Patent No. 6,057,929 (Walker) and Derfler.

Whether claims 2, 7, and 12 are unpatentable under 35 U.S.C. §103(a) as being rendered obvious by Shumaker in view of Walker, Derfler, and Bodin, U.S. Patent No. 6,604,106 (Bodin).

Whether claims 3, 8, and 13 are unpatentable under 35 U.S.C. §103(a) as being rendered obvious by Shumaker in view of Walker, Derfler, and Bodin.

Whether claims 4, 9, and 14 are unpatentable under 35 U.S.C. §103(a) as being rendered obvious by Shumaker in view of Walker, Derfler, and Guck, U.S. Patent No. 5,911,776 (Guck).

Whether claims 5, 10, and 15 are unpatentable under 35 U.S.C. §103(a) as being rendered obvious by Shumaker in view of Walker and Derfler.

VII. GROUPING OF CLAIMS

The rejected claims do not stand or fall together.

Independent claims 1, 6, and 11, and dependent claims 5, 20, and 15 stand or fall together.

Dependent claims 2, 7, and 12 stand or fall together.

Dependent claims 3, 8, and 13 stand or fall together.

Dependent claims 4, 9, and 14 stand or fall together.

VIII. ARGUMENTS

A. The Independent Claims Are Patentable Over The Prior Art

Independent claim 1 was rejected as follows:

30. Claim 1 (amended) is an independent "computer implemented system" claim with 5 limitations, labeled by the Examiner for convenience.

31. [1] "a drawing file" is disclosed at Shumaker page 267 "AutoCAD drawing files are composed of vectors. A raster file defines objects by the location and color of the screen pixels. Rasterfiles are usually called bitmaps...You can work with raster files using the Image dialog box. Some of the most common raster files used in industry today are the following: .GIF (Graphics Interchange Format)... .PCX (Personal Computer Exchanged)... .TIF (Tagged Image File Format)... .BMP... .PCT... .JPG... .FLD or .FLI", and at page 277 "A vector file contains objects defined by XYZ coordinates. AutoCAD allows you to work with several different vector files using the Export Data and Import File dialog boxes. The most common is the AutoCAD drawing file (.dwg). Other vector file types are .dxf, .3ds, .wmf, and .sat".

32. [2] "an information extraction server component configured to provide information relating to the drawing file from a group of information comprising file size, date, and author" is disclosed at Schumaker page 268 Figure 13-2, particularly the button labeled "Details", and the description "Pick to view information about the image".

33. [3] "a search server component configured to provide a query engine that allows queries of the drawing file" is disclosed at Schumaker page 268 Figure 13-2, particularly the button labeled "Details, and the description "Pick to view information about the image".

34. Shumaker does not expressly disclose the remaining limitations.

35. [4] "a conversion server component configured to transform the drawing file from one drawing file format to another drawing file format without accessing the application that created the drawing file" is disclosed at Walker at column 3 lines 46-62, "The file format of the drawing file 17 and the image characteristic data file 18 vary according to, and are determined by, the architect's drafting software and the printer system that generates the prints. To provide greater uniformity, the present invention initially converts the drawing file to a neutral data file format, as indicated by step 12, in FIG. 2. In the preferred embodiment, the neutral data file is created using the Page Masters Apprentice Software Program, although several other commercially available programs could be used to create a neutral data file. Accordingly, the system converts the drawing file format to the Page Masters Apprentice file format. Page Masters Apprentice files are denoted by a VIC file extension. While the .VIC extension is used on the preferred embodiment, the extension is arbitrary and may be easily changed, for example, .AEC could be used. The conversion of the drawing file to the neutral format is transparent to the reprographer."

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36. [5] "a server comprising the information extraction server component, the search server component, and the conversion server component, wherein the server is configured to provide the information, query results, and the transformed drawing file across a network to a user using the graphical interface of a web browser" is disclosed by Derfler page 119 "four types of servers...One network strategy relies on a single powerful computer that is dedicated to providing all server functions for dozens or even hundreds of client computers on the network. This is known as *server-based networking*."

37. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Walker to modify Shumaker. One of ordinary skill in the art would have been motivated to do this "To provide greater uniformity" according to Walker column 3 line 49, and to implement Shumaker's page 347 "Internet" capabilities using Derfler's servers. Note that Shumaker's "Internet" capabilities are designed to "share drawing information with systems that do not have AutoCAD installed"" thus implicitly teaching towards loading a single version of AutoCAD on Derfler's page 119 "application server", and thus supporting other systems that do not have AutoCAD installed. Derfler page 119 states "as you install more client computers that share the server's resources, a server-based network becomes more economical."

Independent claims 6 and 11 were rejected on the same grounds as claim 1.

Appellants traverse the above rejections for one or more of the following reasons:

(1)   Neither Shumaker, Walker, Bodin, nor Derfler teach, disclose or suggest the claimed server components on a server;

(2)   Neither Shumaker, Walker, Bodin, nor Derfler teach, disclose or suggest a server providing information relating to a drawing file across a network to a user using a graphical user interface of a web browser;

(3)   Neither Shumaker, Walker, Bodin, nor Derfler teach, disclose or suggest a server providing query results from a query of a drawing file across a network to a user using a graphical user interface of a web browser; and

(4)   Neither Shumaker, Walker, Bodin, nor Derfler teach, disclose or suggest a server providing a transformed drawing file across a network to a user using a graphical user interface of a web browser.

As described above, independent claims 1, 6, and 11 are generally directed to providing access to drawing information across a network. Specifically, the claims provide for a server that has at least three components: an information extraction server component, a search server component, and a conversion server component. The information extraction server component provides information relating to the drawing file such as the file size, date, and author. The search server component provides a query engine that allows queries of the drawing file (e.g., for various properties). The conversion server component transforms the drawing file from one format to

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another format without accessing the program that created the file. Lastly, the server is configured to provide/transmit the data from the various components (e.g., the information from the drawing file, the query results, and/or the transformed drawing file) across a network to a user using a graphical user interface of a web browser.

The cited references do not teach nor suggest these various elements of Appellants' independent claims. To teach the information extraction server component, the Office Action relied on Shumaker. However, Shumaker merely describes a standard AutoCAD program available from the assignee of the present invention. Namely, the version of AutoCAD described is simply a client-based program that is not operated on a network. The claim specifically provides that the component is an information extraction server component. No such server or server component is described, implicitly or explicitly, by Shumaker.

In response to the above argument the final Office Action provides:

> 18. Second, Applicant asserts that Shumaker's standard AutoCAD program is a client based program that is not operated on a network, and asserts "No such server or server component is described, implicitly or explicitly by Shumaker". However, Shumaker's prior art must be interpreted in the context of Shumaker's Chapter 15 is titled "AutoCAD and the Internet" and includes the paragraph "AutoCAD Release 14 now incorporates a set of tools called the Internet Utilities...Web Browser... you can now share drawing information with systems that do not have AutoCAD installed" at page 347. Thus, Shumaker clearly discloses networks, and implicitly discloses network servers. Said page 347 is supplied to the Applicant with this action.
> ...
> 21. Thus, one of ordinary skill in the art would interpret Shumaker's AutoCAD as capable of being a stand-alone program isolated in a single computer, and also as capable of being a "specific facility" (using IEEE terminology) in a server, and serving clients.

Appellants note that Shumaker's Chapter 15 is entitled, "AutoCAD and the Internet". However, page 347 of Chapter 15 clearly indicates that the Internet Utilities merely provide the ability to save a drawing in a format that can be placed on a Web site and then viewed on the Web site using a Web browser. Further, the Chapter indicates that once placed on a web site, the drawing may be viewed using a web browser on systems that do not have AutoCAD installed. However, such a teaching is not similar to (nor does it render obvious) the claimed invention. In this regard, while the present claims provide for an information extraction server component that is on a server containing multiple components, Shumaker merely provides the ability to place a drawing on a web site (that may be hosted by a server). The functionality provided by the server hosting the web site

is unknown. In fact, Appellants submit that the functionality claimed and provided by a single server is not described whatsoever in any of the cited references.

In view of the above, Appellants agree that Shumaker may implicitly disclose a network server. However, Shumaker's implicit disclosure is limited to the hosting of a web site and the drawings that are stored in a particular format by AutoCAD. Such a teaching does not disclose or suggest, implicitly or explicitly, a server having an information extraction server component that provides information as claimed.

Again, the claims provide that the information extraction server component provides information relating to the drawing file. The information comprises file size, date, and author. While Shumaker indicates in Figure 13-2 the image name, status, size, type, date, and saved path, the information is provided as part of the AutoCAD client-based product. In addition, the claimed information is provided to a user using a graphical user interface of a web browser. There is no description in Shumaker that indicates that this information is provided by a server component via a graphical user interface of a web browser as claimed. Instead, Shumaker's image dialog box is a particular programmed window provided by the AutoCAD program on a client machine. There is no web browser (as claimed), nor is there any network that is being displayed or used in Shumaker (as claimed). In this regard, Shumaker completely fails to describe a server component providing such information through a web browser.

With respect to the suggestion that Shumaker's AutoCAD may be capable of being a specific facility in a server – there is no suggestion, implicit or explicit, that Shumaker's AutoCAD is anything other than a single client-based drawing program. The definition provided (in the Office Action) indicates that a "server" is dedicated to providing specific facilities to other devices on a network. In other words, a server provides specific functionality and services to other devices. In the request for reconsideration (filed after the final rejection), Appellants requested a reference or description from anywhere within Shumaker that describes a server or AutoCAD providing the functionality as claimed. This request was merely ignored in the Advisory Action.

Again, the claimed information is provided via across a network to a user using a graphical user interface using a Web browser. This information is specific and relates to the drawing file. To assert that the disclosure of AutoCAD (that fails to meet the limitations of the information provided

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and the manner in which it is provided) in combination with a definition of a "server" (that fails to disclose any use on the Internet, and fails to disclose any configuration to deliver information to a user using a graphical user interface of a web browser) is without merit and improper.

The rejection further stated that Appellants did not assert that Shumaker or Walker has any special characteristics, which would make them difficult to implement as "special facility" on a server. Appellants hereby submit that neither Shumaker nor Walker were designed or implemented as a server-based program. Further various characteristics would be required for implementation. For example, to provide a server-based program, communications mechanisms and security mechanisms unique to the server/network-based environment must be provided. In this regard, to state that there is nothing unique about implementing a client-based application into a server-based application is completely without merit. That is similar to stating that Microsoft's™ exchange server or windows server has no unique functionality because it is merely a port from an old outlook program or Window's client-based operating system to a server. Server-based applications require additional functionality to provide the information over a network and to operate in a network-based environment. The current claims indicate such server components. Further, Shumaker does not provide such functionality and is not configured nor intended to provide such functionality.

In addition to the above and regardless of whether Shumaker or Walker does or does not have any special characteristics that would make them difficult to implement as a "special facility", it is not Appellants obligation to disprove that a reference has or does not have any special characteristics. Instead, under MPEP 2143, it is the Examiner's obligation to set forth a prima facie case of obviousness. As part of establishing the case, the Examiner _must_ meet three criteria: he must show that some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Appellant's disclosure. _In re Vaeck_, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In view of the above, the Examiner's assertion that Appellants have not asserted that Shumaker and Walker lack special characteristics is improper.

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Instead, the Examiner must show that a motivation exists for combining the references and such a motivation must exist in either the references themselves or is within the knowledge generally available to one of ordinary skill in the art. The Examiner has failed to meet these obligations.

To teach the search server component, the Office Action relies on Shumaker. Once again, the claims specifically provide that the component is a server component. However, as described above, Shumaker does not describe a networked or server-based program. Instead, Shumaker merely refers to the standard AutoCAD program. In this regard, Shumaker fails to teach this element as claimed.

The Office Action admits that Shumaker fails to teach the conversion server component aspect of the claims. Instead, the Office Action relies on Walker to teach this claim element. However, unlike the present claims, Walker fails to describe a user using a graphical user interface of a web browser to view the transformed drawing file. The claims provide for the use across a network of a graphical user interface of a web browser. Instead of providing the invention's flexible Internet and web browser based system, Walker describes the use of particular printing systems and printing hardware on individual reprographer locations (see col. 3, lines 11-30).

Further, Walker fails to describe a server or server component. Instead, Walker merely describes a peer-to-peer network with multiple reprographer sites merely transmitting drawing prints from one reprographer site to another reprographer site (see col. 2, line 66-col. 3, line 63 and FIGS. 1 and 2). The presently claimed invention provides for the server component performing the transformation and the server providing the information across a network to a web browser. No such server or server component performs the transformation in Walker. There is no discussion, implicit or explicit, of a server or server components whatsoever. In fact, an electronic search of Walker for the term "server" provides no results whatsoever. Without even mentioning the word server, Walker cannot possibly describe or render obvious a server or specific server components as claimed.

In response to some of the above arguments, the final Office Action relies on Derfler to teach a server. Appellants are aware that server-based applications and server-based networking are available in the prior art. However, the mere description of a server without the functionality as claimed does not teach the invention. The claims provide for a server that contains specific

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components that provide specific functionality. Derfler fails to teach such components and such functionality.

The final Office Action submits that it would be obvious to implement Shumaker's page 347 "Internet" capabilities using Derfler's servers (see paragraph 37). Appellants agree that it may be obvious to use Shumaker's limited "Internet Utilities" using Derfler's servers. However, Shumaker's "internet"/"internet utilities" capabilities provide for storing the files in an HTML format and then transferring the files to a web site where they may be accessed. Derfler's servers could potentially be used to host a web site and to store the HTML files created by Shumaker. However, separately creating a document on one computer in a particular format (i.e., in accordance with Shumaker) and then storing the document on a server (i.e., in accordance with Derfler) does not even remotely suggest the present invention. In this regard, the combination of Shumaker with Derfler does not teach the invention as claimed.

Neither Shumaker nor Derfler provide the specific components configured to perform the specific functionality on a single server component as claimed. Instead, the combination merely describes the transfer of HTML files to a server that hosts a web site. Such a combination does not even remotely describe, teach, or suggest, the invention as claimed. In this regard, Derfler merely states that there can be various types of servers including application servers and communication servers. Derfler further describes the various functionality that is provided by the various types of serves (e.g., good control, backup, and management of critical data). However, there is no description or suggestion that Shumaker should be reconfigured to provide the server functionality. Instead, Shumaker merely provides the ability to store files in a format capable of being viewed by a web browser and then a web site hosting those documents. Such a disclosure does not even remotely resemble the invention as claimed.

The final Office Action also states that "Shumaker's 'Internet' capabilities are designed to 'share drawing information with systems that do not have AutoCAD installed', thus implicitly teaching towards loading a single version of AutoCAD on Derfler's page 119 'application server', and thus supporting other systems that do not have AutoCAD installed." However, Appellants submit that while AutoCAD would like to share information with systems that do not have AutoCAD installed, the only manner in which they solve the solution is to store the images in

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HTML for access on a website. In this regard, AutoCAD is not intended to and cannot function as a server-based application or "application server" as claimed. In this regard, the Examiner is making an assertion that is completely contrary to the functionality available with AutoCAD and fails to provide any factual support for the assertion.

To function as a server-based application as suggested in the Office Action, numerous changes would have to be implemented. Further, the mere porting of AutoCAD to Derfler's server is not suggested by Shumaker or Derfler. The MPEP §706.02(j) provides that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." There is no motivation or suggestion in Shumaker to make AutoCAD a server-based application. Further, there is no motivation or suggestion in Derfler to make a particular CAD based application or drawing program a server-based application. In addition, there was no knowledge generally available to one of ordinary skill in the art to modify or combine Shumaker with Derfler.

In addition, even if the motivation to combine is found, the combination of Shumaker with Derfler (and the other cited references) would not provide the functionality as claimed. For example, AutoCAD does not provide a query engine that allows queries of a drawing file (as claimed). Instead, Figure 13-2 (of Shumaker) merely lists properties of a raster image to be inserted or deleted. Such a display does not illustrate or describe a query engine whatsoever.

Further, the various claimed server components existing on a single server are lacking in the cited references. The claims provide that a single server provides all of the functionality disclosed. The Office Action attempts to break up the functionality and show that multiple different client computers provide similar functionality. Firstly, as described above, Appellants traverse any suggestion that the client computers perform the claimed functions. Additionally, Appellants note that under MPEP 2141.02, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Thus, Appellants submit that it is inappropriate to break up the claim as suggested in the Office Action. Instead, the claimed server "as a whole" must be examined and determined if a prior art reference teaches the claimed elements on a single server.

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In response to arguments similar to the above, the Advisory Action provides:

> However, note that the pending rejection for claim 1 is made upon three prior arts: Schumaker and Walker and Derfler. Specifically, Walker and Derfler disclose the limitations regarding "server". Further, as the Examiner previously noted, Schumaker's AutoCAD is explicitly described as operating in an Internet environment, and Shumaker even contains Chapter 15 titled "AutoCAD and the Internet".

As stated above, Walker and Derfler also fail to disclose the claimed server limitations. Further, as set forth above, there are significant reasons why a server could not contain or provide the functionality as claimed. Some of which include that AutoCAD could not be put into a server environment. It simply would not work. In addition, the Examiner's assertion that Schumaker's AutoCAD operates in an Internet environment is completely without merit. Shumaker's chapter merely indicates a subject regarding how AutoCAD could be used on the Internet. Relying on a title that fails to even remotely mention or describe the detailed claimed server functionality is improper. Instead, one must examine the contents of the chapter. Again, as stated above, the content of Shumaker's chapter merely provides for saving a drawing in a format that can be viewed using a Web browser when the file is placed on a Web site. Such a limited Internet use is further enforced by the description of the "Web site" provided within Shumaker's chapter 15:

> A Web site is a collection of HTML documents (which can include text, graphics, and sound files) that others can view on the Internet using a Web browser. Only a Web browser is required, so you can now share drawing information with systems that do not have AutoCAD installed.

As can be seen by this text, Shumaker fails to teach the server components and functionality as set forth in the claims. Shumaker also fails to describe or suggest any use of AutoCAD on, in, or as a server.

The Advisory Action also provides:

> The Examiner maintains that one of ordinary skill in the art is enabled to implement (and motivated to obviously combine) Shumaker's AutoCAD as a "specific facility" (using IEEE terminology from the IEEE definition of "server") in Derfler's server. In other words, merely broadly pacing a client-based program into a server is not invention.

> Further, the Examiner agrees that it is possible that certain additional functionality or special techniques used in placing a client-based program into a server may be novel or non-obvious. However, none of the pending claims contain novel limitations, and none of the pending claims contain non-obvious combinations of limitations.

Appellants respectfully disagree with and traverse such statements. In essence, the Examiner is asserting that the claims contain no novel or nonobvious subject matter and that it is obvious to

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place the technology described in Shumaker in a standard server. Such arguments are contradictory. If the claims are not novel, then the argument should be based on 35 USC §102. Such a rejection is not asserted or set forth in the Office Action. Accordingly, the non-novel argument is without merit.

With respect to the obviousness argument, the Examiner provides no motivation or suggestion that exists in the references as to why Shumaker should be combined or used as a special facility. Instead, the Advisory Action merely provides that one of ordinary skill would be enabled to "implement" Shumaker as a special facility. However, an invention is not defined solely by its implementation. Instead, it is well understood that the inventor who is the first to invent – i.e., to conceive of the invention and reduce the invention to practice, prevails. The Examiner is merely addressing the reduction to practice aspect of an invention. Further, it appears that the Examiner is only addressing one element for establishing a prima facie case of obviousness - the likelihood of success. The ability to implement an invention merely indicates if reducing the invention to practice would be successful. However, Appellants also assert that even by combining the references, the invention would still not be taught.

In view of the above, Appellants submit that the present invention provides the ability to provide access to drawing information on a network (see title and claims). To teach such a server environment, the Office Action merely provides a reference that describes a client-based AutoCAD program (Shumaker), a patent that describes the use of various different hardware programs on individual reprographic client machines (Walker), a patent that describes the standard delivery of web content (Bodin), and a patent that describes a server (Derfler). Such a teaching does not even remotely resemble the particularized method, system, and article of manufacture claimed wherein various specific server components perform various tasks and the results of those tasks are provided to a user operating a graphical user interface on a web browser. In view of the above, Appellants submit that the claimed invention is patentable over the cited references.

In conclusion and in response to the Advisory Action, Appellants reassert the earlier provided arguments and submit that not only do the cited references fail to teach the limitations for which they are asserted, but the combination of the cited references still fails to teach the invention as claimed. In addition, there is no motivation to combine the references.

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Moreover, the various elements of Appellants' claimed invention together provide operational advantages over Shumaker, Walker, Bodin, Guck, and Derfler. In addition, Appellants' invention solves problems not recognized by Shumaker, Walker, Bodin, Guck, and Derfler.

Thus, Appellants submit that independent claims 1, 6, and 11 are allowable over Shumaker, Walker, Bodin, Guck, and Derfler.

B.   Dependent claims 2, 7, and 12 Are Patentable Over the Cited Art

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker, Derfler, and Bodin, U.S. Patent No. 6,604,106 (Bodin).

Original claims 2, 7, and 12 provide for the use of active server pages that interacts with server components to obtain requested information using a graphical user interface of a web browser. The Office Action admits that both Walker and Shumaker fail to teach this claim. However, the Action relied on Bodin instead. However, Bodin merely describes the compression and delivery of web server content (see title). Appellants do not assert that Internet communications and active server pages are unique. Bodin merely teaches these standard Internet/web components. However, Appellants do assert that the manner and method in which these particular components are utilized in the present claims are patentable. Specifically, the claims provide for an ASP that interacts with the specifically claimed server components to obtain requested information in the graphical user interface on the web browser. In this regard, the claims are directed towards a server/client/browser environment with the exchange/transmission of information. None of the cited references even remotely allude to such an invention.

The Advisory Action failed to address these arguments in the Advisory Action. Accordingly, Appellants submit that these claims are in allowable form.

C.   Dependent claims 3, 8, and 13 stand or fall together.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker, Derfler, and Bodin.

Claims 3, 8, and 13 provide a limitation where the conversion server component is cached. In other words, the software component that conducts the conversion of the drawing formats is

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cached.

In rejecting these claims, the Office Action merely refers to Bodin at col. 6, line 62. Bodin, col. 6, lines 58-62 merely provides:

> ...In like manner, the client process 46 includes a caching routine 84 that responds to a request for a Web page to determine whether a recently retrieved, compressed version of the requested page is already cached in the browser page cache.

This text does not even remotely teach the subject matter set forth in claims 3, 8, and 13. This cited portion refers to a browser cache page. The claimed conversion component is a server component and is therefore cached in the server. A browser cache is significantly different from a server cache in that a browser cache merely caches previously seen web pages. The cited portion clearly indicates that the browser cache is viewed to determine if the viewed web page is present in the browser cache. Such a teaching does not even remotely refer to a conversion component (that transforms drawings into different formats) into cache.

D. Dependent claims 4, 9, and 14 stand or fall together.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shumaker in view of Walker, Derfler, and Guck, U.S. Patent No. 5,911,776 (Guck).

Claims 4, 9, and 14 provide that the search server component utilizes an index server that interacts with one or more drawing filters to filter and retrieve information. In rejecting these claims the Office Action relies on Guck col. 4, lines 7-16 which provide:

> The Server module 50 provides a mechanism that enables secure communications to occur between the clients, such as 10, 20, 30, 33 etc., and the Server 50. It provides a database repository for all documents, together with the ability to index and search the documents with a powerful search engine. The search engine and its supporting database 58 uses the OSMOS 54 database manager to manage the storage, verification, and access to resident documents which include embedded graphics, sound clips, and video clips, as shown in FIG. 8.

Examining this text and figure 8, it is apparent that the search engine merely permits the searching for a file based on file type. Accordingly, Guck does not provide for filters at all. Instead, it merely provides for searching for files with a certain suffix. Further, Guck fails to teach, disclose, or suggest drawing filters as claimed. In this regard, the word "drawing" cannot merely be ignored when evaluating the claims. Drawing filters are specifically set forth in the present specification:

> For example, each drawing filter 422 may filter information from a different type of drawing format such that one drawing filter 422 may be for DWG files, another filter 422 for DWF files, and

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another filter for DXF files, etc. Additionally, management console 426 may contain a server application MMC (Microsoft Management Console) snap-in 432. A MMC snap-in 432 is a component responsible for performing management tasks. MMC 426 serves as a host for snap-in-defined user interfaces, but does not limit what the snap-ins 432 can do or how they communicate with the administered services.

In view of the above, Appellants submit that dependent claims 4, 9, and 14 are allowable over the cited art.

E.   Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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APPENDIX

1.   (PREVIOUSLY PRESENTED) A computer implemented system for providing access to a drawing comprising:

a drawing file;

an information extraction server component configured to provide information relating to the drawing file from a group of information comprising file size, date, and author;

a search server component configured to provide a query engine that allows queries of the drawing file; and

a conversion server component configured to transform the drawing file from one drawing file format to another drawing file format without accessing the application that created the drawing file; and

a server comprising the information extraction server component, the search server component, and the conversion server component, wherein the server is configured to provide the information, query results, and the transformed drawing file across a network to a user using a graphical user interface of a web browser.

2.   (PREVIOUSLY PRESENTED) The system of claim 1 further comprising an active server page (ASP) that interacts with one or more of the server components to obtain requested information in the graphical user interface on the web browser.

3.   (ORIGINAL) The system of claim 1 wherein the conversion component is cached.

4.   (ORIGINAL) The system of claim 1 wherein the search server component utilizes an index server that interacts with one or more drawing filters to filter and retrieve information.

5.   (ORIGINAL) The system of claim 1 wherein the drawing file is stored in DWG file format.

6.   (PREVIOUSLY PRESENTED) A method for providing access to a drawing comprising:

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obtaining information relating to a drawing file from a group of information comprising file size, date, and author;

providing a query engine that allows queries of the drawing file; and

transforming the drawing file from one drawing file format to another drawing file format without accessing the application that created the drawing file;

providing the information, query results, and the transformed drawing file across a network to a user using a graphical user interface of a web browser.

7.   (PREVIOUSLY PRESENTED) The method of claim 6 further comprising obtaining requested information in the graphical user interface on the web browser using an active server page (ASP).

8.   (ORIGINAL) The method of claim 6 further comprising caching the conversion component.

9.   (ORIGINAL) The method of claim 6 further comprising filtering and retrieving information utilizing an index server that interacts with one or more drawing filters.

10.   (ORIGINAL) The method of claim 6 wherein the drawing file is stored in DWG file format.

11.   (PREVIOUSLY PRESENTED) An article of manufacture embodying logic for performing a method for accessing a drawing over a network, the method comprising:

obtaining information relating to a drawing file from a group of information comprising file size, date, and author;

providing a query engine that allows queries of the drawing file; and

transforming the drawing file from one drawing file format to another drawing file format without accessing the application that created the drawing file;

providing the information, query results, and the transformed drawing file across a network to a user using a graphical user interface of a web browser.

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12.   (PREVIOUSLY PRESENTED) The article of manufacture of claim 11 wherein the method further comprises obtaining requested information in the graphical user interface on the web browser using an active server page (ASP).

13.   (ORIGINAL) The article of manufacture of claim 11 wherein the method further comprises caching the conversion component.

14.   (ORIGINAL) The article of manufacture of claim 11 wherein the method further comprises filtering and retrieving information utilizing an index server that interacts with one or more drawing filters.

15.   (ORIGINAL) The article of manufacture of claim 11 wherein the drawing file is stored in DWG file format.

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